



Docket No.: 211223US0X

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

#11/11

**OBLON**  
**SPIVAK**  
**McCLELLAND**  
**MAIER**  
**&**  
**NEUSTADT**  
P.C.

ATTORNEYS AT LAW

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JUL 31 2003  
TECH CENTER 1600/2900

RE: Application Serial No.: 09/938,540

Applicants: Bettina MOECKEL, et al.

Filing Date: August 27, 2001

For: NEW NUCLEOTIDE SEQUENCES WHICH CODE  
FOR THE CCPA1 GENE

Group Art Unit: 1652

Examiner: Christian L. Fronda

SIR:

Attached hereto for filing are the following papers:

**Response to Requirement for Restriction**

Our check in the amount of 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Jean-Paul Lavalleye  
Registration No. 31,451



22850

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Thomas W. Barnes III, Ph.D.  
Registration No. 52,595



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

BETTINA MOECKEL, ET AL.

: EXAMINER: FRONDA, CHRISTIAN L

SERIAL NO: 09/938,540

:

FILED: AUGUST 27, 2001

: GROUP ART UNIT: 1652

FOR: NEW NUCLEOTIDE SEQUENCES  
WHICH CODE FOR THE CCPA1 GENE

:

RESPONSE TO REQUIREMENT FOR RESTRICTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated June 30, 2003, Applicants elect, with traverse, Group I, Claims 1-7, 10 and 11, drawn to an isolated polynucleotide, vector, and host cell.

REMARKS

Group I: Claims 1-7, 10 and 11, drawn to an isolated polynucleotide, vector and host cell;

Group II: Claims 8 and 9, drawn to a coryneform bacterium in which a ccpA1 gene is attenuated;

Group III: Claims 12-23, drawn to a process for producing L-amino acids; and

Group IV: Claims 24 and 25, drawn to a process for identifying RNA, cDNA and DNA using hybridization probes.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.